

April 3, 2008

Bryan N. Sanford, Jr.  
84 Cynthia Avenue  
Tiverton, Rhode Island 02878

Re: Tiverton Zoning Board Appeal, Map 4-8, Plat/Block 140, Card/Lot 4

Dear Mr. Sanford:

The following is the decision on your petition heard by the Zoning Board of Review (hereinafter, the "Board") on April 2, 2008 appealing a decision of the Tiverton Building Official issued on January 28, 2008 to cease and desist any and all construction of a new single family home you have underway on certain property that you own located along Cornell Road, Tiverton, Rhode Island, at Map 4-8, Plat/Block 140, Card/Lot 4 (the "Premises") in an R80 district in violation of the Tiverton Zoning Ordinance (the "Zoning Ordinance") at Article VI, Section 8 (the "Decision").

The petitioner testified that he applied for and was issued a building permit on December 21, 2007 to construct a home on the Premises. The petitioner admitted that the Building Permit only listed the construction as located on the Premises, but that he also owned two other lots of land adjoining the Premises and was using one of the two other lots for a driveway to access Cornell Road from the Premises. The petitioner also testified that he was unaware that Cornell Road was not a Town accepted street or that a particular provision of the Zoning Ordinance requires that lots fronting on an unaccepted street must have the street improved to the satisfaction of the Director of Public Works. The petitioner also testified that he had not spoken to the Building Official regarding the status of whether Cornell Road was an accepted street or that he had to cease construction of the dwelling at the time of the bottom inspection and not form or pour the foundation.

The Building Official testified that he inquired of the petitioner where his lot was located on Cornell Road prior to the issuance of the building permit and that the petitioner indicated that the Premise were located at the end of the paved portion of Cornell Road. The petitioner denied that this conversation occurred. The Building Official stated that he issued the building permit in reliance on the petitioner's response to his inquiry. The Building Official also stated that when he was called to perform a bottom inspection he was unable to access the Premises as it was located beyond the end of pavement and was inaccessible to his 2-wheel drive municipal vehicle, his 4-wheel drive municipal vehicle was in the shop. The Building Official also testified that he orally ordered the petitioner to cease construction on the home. The petitioner denies this conversation occurred and that his contractor was told by the Building Official to go ahead and form and pour the foundation for the house and the road issue would be worked out later. The Building Official denied that he told the contractor to continue with the work on the house after the failed bottom inspection. The Building Official further testified that he then issued the Decision to cease work on the house.

Members of the Tiverton Land Trust testified that they were concerned whether the house was properly located on the Premises and whether the yard setbacks were in compliance since no evidence of any survey of the Premises was presented.

After the testimony and evidence was presented to the Board by the petitioner, the Board found that the petitioner failed showed sufficient evidence that the Building Official's Decision was in error. The Board found that the evidence and testimony presented by the Building Official was credible and showed that the Decision was not issued in error or without substantial justification. Based on the foregoing, the Board voted unanimously to deny your appeal of the Building Official's Decision.

This decision must be recorded in the Land Evidence Records in the Town Clerk's Office. (Please note that the appeal period (20 days) begins only after this decision is recorded and posted with the Town Clerk's Office).

Very truly yours,

David Collins, Chairman  
Tiverton Zoning Board of Review

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